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July 10, 2002  
Date

Louis H. Lee  
Signature

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Daren Allee

Serial No.: 09/400,508

Filed: 9/20/99

For: LOW NOISE LOGIC GATE

Group Art Unit: 2819

Examiner: J. Cho

Atty. Dkt. No.: 2069.002296/TT2273/TDM

**REPLY BRIEF**

**BOX AF**

Assistant Commissioner of Patents  
Washington, D.C. 20231

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Sir:

Applicant hereby submits an original and two copies of this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated May 10, 2002.

The due date for this Reply Brief is July 10, 2002.

The fee for filing this Reply Brief is \$320. The Assistant Commissioner is authorized to deduct said fee from William, Morgan & Amerson, P.C.'s Deposit Account No. 50-0786 /2069.002296. **A duplicate copy of this sheet is included.**

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Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to William, Morgan & Amerson, P.C.'s Deposit Account No. 50-0786 /2069.002296.

#### I. POTENTIAL NEW GROUND OF REJECTION

Applicant notes that no claims in the instant application, or its parent application, have ever been rejected under 35 U.S.C. § 112, ¶2, for terminology not “particularly pointing out and distinctly claiming the subject matter.” The Examiner’s Answer places an undue burden on the Applicant by stating that “However, the term, “relatively independent is vague and presumes there is a relative dependency as well.” [Examiner’s Answer p. 6, ¶4] This is particularly difficult to address inside an art rejection under 35 U.S.C. § 102. It is unclear if the rejection is that the invention is anticipated or that the claim terminology is vague.

#### II. REJECTION BASED ON ART

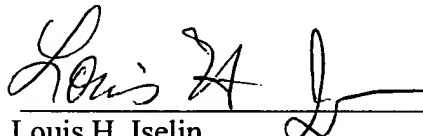
The Examiner’s Answer argues that the claim term “relatively independent” presumes the meaning “relatively dependent,” that is, “[T]he control signal PEN of Lee, which enables the transistor 32 is relatively dependent of the supply voltage, that is, the control signal PEN is relatively independent of the supply voltage.” [Examiner’s Answer pp. 6-7] Applicant respectfully traverses this contention. The Examiner’s Answer builds on this to reject claim 1 by anticipation. If the claim limitation at issue had been “relatively dependent,” then the rejection may have been proper. However, the claim limitation at issue is the opposite of that. The claim term “relatively independent” has not been shown to be taught or fairly suggested by the cited

art. For the Examiner's Answer to be correct, "A" and "not A" would have to have the same meaning.

Applicant has not argued that the claim term "relatively independent" is absolute. Relative and other subjective terminology qualifying degree are widely used in patent practice. Applicant's position is that the claim term "relatively independent" affirmatively recites that the relationship in question provides more independence than dependence. The Examiner has not shown that the cited art teaches or fairly suggests **independence** in any way. The Examiner has failed to show that the art of record teaches or fairly suggests all of the limitations of the claims, thus the claims are allowable over the cited art.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louis H. Iselin", written over a horizontal line.

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Date: July 10, 2002